



VIRGINIA POLYTECHNIC INSTITUTE  
AND STATE UNIVERSITY

**Department of Animal and Poultry Sciences**

College of Agriculture and Life Sciences

Blacksburg, Virginia 24061-0306

Phone: (540) 231-5136

Fax: (540) 231-3010

E-mail: cajunjoe@vt.edu

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Division of Dockets Management (HFA-305)  
Food and Drug Administration  
5630 Fickers Lane, Room 1061  
Rockville, MD 20852

**Re: Docket no. 2004N-0264** 21 CFR Part 589. Federal Measures to Mitigate BSE  
Risks: Considerations for Further Action; Proposed Rule [Federal Register, July 14,  
2004. Volume 69, Number 134, Pages 42297-42298]

Dear Madams/Sirs:

As an Animal Scientist (animal nutrition) who has conducted research on various aspects of feeding poultry litter to beef cattle for over 40 years, I am concerned regarding the possibility that FDA may prohibit use of poultry litter in ruminant feed.

I hope you will consider my comments seriously. If I can be of further assistance, please do not hesitate to contact me.

Sincerely,

J. P. Fontenot  
JOHN W. HANCOCK, JR., Professor of  
Animal Science

Enc.

2004N-0264

### General Comments:

As an animal scientist, who has conducted research on various aspects of use of poultry litter as a ruminant feed, my primary aim is for production of animal food products that are safe, healthful and nutritious for humans.

Based on 40 years of research and continuous review of published research concerning feeding of poultry litter to beef cattle, I feel that there is no scientific basis to show that feeding poultry litter to ruminants will increase the risk of BSE being contracted by cattle. Therefore, no new regulations are required.

### Specific Comments:

The comments are based on two presentations covering nutritional value, processing and safety effects of feeding poultry litter to beef cattle (Fontenot, 2001a, 2001b).

Poultry litter has been a valuable, economical, and safe feed ingredient for beef cattle. It is estimated that at least 25% of the poultry litter produced in the USA is fed to beef cattle. There are about 8 million tons produced per year, hence, 2 million tons of poultry litter are fed to beef cattle per year. Most of the poultry litter is fed to beef cows and limited amounts are fed to stocker cattle weighing 500-750 pounds. Very little poultry litter is fed to fattening cattle. Beef cow diets may contain up to 70% poultry litter as percent of dry matter.

I will comment on the questions regarding feeding poultry litter to beef cattle.

**QUESTION 17. IF FDA WERE TO PROHIBIT SRMs FROM BEING USED IN ANIMAL FEED, WOULD THERE BE A NEED TO PROHIBIT THE USE OF POULTRY LITTER IN RUMINANT FEED? IF SO, WHAT WOULD BE THE SCIENTIFIC BASIS FOR SUCH A PROHIBITION?**

If FDA would prohibit SRMs from being used as animal feed, there would be NO need to prohibit the use of poultry litter in animal feed. There is no scientific basis to prohibiting feeding poultry litter. With appropriate processing, feeding poultry litter does not pose animal and human health problems (Fontenot, 2001a).

The question concerning BSE in feeding poultry litter was addressed by the FDA in July, 1998 (2) Code of Federal Regulations (CFR) 589.2000) in Guidance for Industry #76. The agency (FDA) responded as follows to the question: Can chicken litter be fed to cattle if the poultry might have been fed prohibited material? The answer: "Yes. The FDA has no evidence that the agent that causes BSE would survive the chicken intestinal tract. FDA expects the states to require recycled animal waste to conform to the

definitions promulgated by the Association of American Feed Control Officials (AAFCO) as published in its official publication and as described in its 'Model Regulations for Processed Animal Waste Products as Animal Feed Ingredients.' Under the AAFCO Model Regulation, in order for this product to be used in a commercial feed, it must be registered/licensed within a State, and be assayed periodically for *Salmonella* and *E. coli* bacteria, heavy metals, pesticides, drugs, parasitic larva or ova, and mycotoxins." (Fontenot, 2001b).

**QUESTION 18. WHAT WOULD BE THE ECONOMIC AND ENVIRONMENTAL IMPACTS OF PROHIBITING BOVINE BLOOD OR BLOOD PRODUCTS, PLATE WASTE, OR POULTRY LITTER FROM RUMINANT FEED?**

Prohibiting feeding of poultry litter would have serious environmental and economic impact.

Economic Impact. Poultry litter is much more valuable as a feed ingredient than as a fertilizer. Poultry litter used as a feed ingredient is valued at \$100 per ton, compared to \$30 per ton as fertilizer. Thus, this would amount to \$140,000,000 per year benefit to the poultry industry, compared to soil application.

Environmental. Feeding poultry litter would enhance the environment, compared to soil application, since it would prevent excess soil application of poultry litter.

The comments for Question 18 also apply to Question 14.

References

Fontenot, J. P. 2001a. Processed Animal Waste as a Feed for Beef Cattle. Presented at: Symposium on "Innovative Processes to Produce Useful Materials and Energy from Biosolids and Animal Manure," Rosemont, IL, June 7, 2001. (Published on Web).

Fontenot, J. P. 2001b. Utilization of Poultry Litter as Feed for Beef Cattle. Presented at FDA Public Hearing, Kansa City, MO, October 30, 2001, on animal feeding regulation "Animal Proteins Prohibited in Ruminant Feed"—Code of Federal Regulations, Title 21, Part 589.2000.